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Congress of the United States

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March 2, 2000

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to the February 24, 2000 letter (which we received yesterday) about the performance of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Our April 15, 1999 hearing highlighted OMB's shockingly poor performance in paperwork reduction. As a result, on June 9, 1999, I requested that, starting July 1st, OMB keep detailed and complete records about OMB's role in government-wide paperwork reduction. To date, OMB has arrogantly and contemptuously refused to comply with my oversight request.

In yesterday's reply, OMB made four arguments to attempt to justify its refusal. None of OMB's arguments are convincing. First, OMB stated that keeping records "would be expensive." This is not true. Adding one data cell to an existing computer system ("yes" or "no" if OMB made any substantive changes to an agency submission) is easy and not at all costly. Additionally, requiring OMB staff to provide a one-sentence summary on OMB's paperwork docket worksheet describing substantive changes made by OMB to an agency submission (e.g., deleted questions, reduced frequency of reporting, or introduced sampling) would involve nearly no cost.

Second, OMB stated that keeping records "would divert them from substantive reviews." This is not true. Asking OMB staff to indicate a "yes" or "no" and to provide a one-sentence summary would require seconds of staff time to provide.

Third, OMB stated that keeping records "would be of limited extra value." This is not true. My Subcommittee has oversight responsibility for ensuring that OMB is indeed focusing on government-wide paperwork reduction accomplishments, as required by law. This information is essential to justify continued funding for OMB's Office of Information and

Regulatory Affairs and to inform Congress of necessary changes to the PRA. Also, I would hope that OMB management is interested in monitoring (and, thus, documenting) actual paperwork reduction results being accomplished by OMB staff.

Fourth, OMB stated that "information on changes ... can already be obtained by examining the files." This is not true. My Subcommittee staff tried to examine the 29 paperwork docket files referenced in OMB's November 16, 1999 reply; however, their efforts were substantially thwarted because of missing files, incomplete files, and missing documentation in files. If information is already in OMB's files, then OMB has no excuse not to assemble it and provide it as per my repeated requests.

In yesterday's reply, OMB also incredibly failed to answer any of the four questions for which substantive information was requested in my last letter, including: (1) actual substantive changes in agency paperwork submissions made by OMB during the July 1, 1999 to September 30, 1999 quarter; (2) actual substantive changes made by OMB during the October 1, 1999 to December 31, 1999 quarter; (3) the total number of paperwork hours reduced by the OMB staff effort in the two study quarters and the percent of all agency paperwork submissions with any reduction in paperwork hours due to OMB staff input in each study quarter; and, (4) the OMB staffing currently devoted to IRS paperwork reduction and the number of IRS paperwork submissions to OMB during the two quarters covered by this letter, their associated paperwork burden hours, and the disposition of the agency submissions by OMB. Clearly, OMB can easily answer Question 4 with less than one hour's worth of staff effort; therefore, OMB's refusal is proof positive of its contempt for Congress.

Additionally, please ensure that OMB's annual Information Collection Budget publication is hand-delivered to my Subcommittee at least one week before our April 12, 2000 hearing (in contrast to last year's report, which we received less than 48 hours before our April 15, 1999 hearing and which was 13 days after the statutory deadline). Also, please ensure that both the text and tables in OMB's report clearly identify substantive changes in paperwork burden separately from adjustments to burden hours, such as agency re-estimates of paperwork burden hours.

If we do not receive the requested items, we will invoke 2 U.S.C. §192. Under that section, any person who "willfully makes default" when asked in the course of a Congressional investigation to "produce papers" or "answer any question pertinent to the question under inquiry, **shall be deemed guilty** of a misdemeanor" (emphasis added). The American people have entrusted President Clinton and Vice President Gore with the responsibility to simplify and reduce paperwork burdens. Our oversight is conducted precisely to see what paperwork reduction results the President's OMB staff office is actually accomplishing, since the PRA was principally enacted to focus on paperwork reduction.

Please hand-deliver the requested information to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office

Building not later than noon on Friday, March 17, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "David McIntosh". The signature is fluid and cursive, with the first name "David" and last name "McIntosh" clearly legible.

David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

The Honorable George V. Voinovich
The Honorable Ben Nighthorse Campbell